

Application No.: 10/720,954  
Docket No.: PE0649USDIV8

Page 4

### REMARKS

Applicants wish to thank the Examiner for the remarks of the April 12, 2005, Office Communication. A Supplemental Information Disclosure Statement is being submitted concurrently herewith, including the month and year of the publications previously submitted.

The pending claim is 19. Claim 19 has been amended to delete compound 2-c. No new matter has been added.

### Rejections under 35 U.S.C. §102

#### U.S. Patent No. 3,655,679

Claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,655,679 to Shen et al. The Examiner stated that Shen et al. reads on the "compound labeled '2-d' in claim 19." Applicants respectfully submit that compound 2-d has no nitro substituents and is not disclosed by Shen et al. However, Applicants assume that the Examiner intended to indicate compound 2-c. In order to further prosecution, compound 2-c has been deleted from Claim 19. Applicants submit that this rejection has been overcome by the amendment, and respectfully request that this rejection be withdrawn.

#### U.S. Patent No. 3,718,488

Claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,718,488 to Trofimenko et al. Applicants respectfully traverse this rejection.

The Examiner stated that Trofimenko et al. "discloses various substituted phenylpyridines compounds as formula IV". Applicants respectfully disagree. Formula IV in Trofimenko et al, is not a phenylpyridine compound. Formula IV is a palladium complex. One of the ligands in the palladium complex is a phenylpyridine ligand having a nominal charge of -1. Even considering the phenylpyridine ligand, Trofimenko et al. discloses only a generic structure. There is no disclosure of specific ligands which could be derived from the specific compounds in Applicants' Claim 19.

Trofimenko et al. uses unsubstituted 2-phenylpyridine as a starting material in Example C. Trofimenko et al. further discusses other 2-phenylpyridine derivatives at column 10, lines 40-54 and derivatives or specific phenylpyridine compounds are listed at column 10, lines 46-54. None of these compounds is the same as compounds 2-a, 2-b, or 2-d through 2-aa, as currently recited in Claim 19. The Examiner has particularly pointed to compound 2-g. A detailed comparison of the compounds of Trofimenko et al. and Claim 19's compound 2-g is provided in Appendix A hereto. As can be seen from this comparison, compound 2-g of pending Claim 19 is not disclosed in Trofimenko et al.

In summary, Trofimenko et al. does not teach or suggest the specific compounds of Applicants' Claim 19. Applicants respectfully request that this rejection be withdrawn.

Application No.: 10/720,954  
Docket No.: PE0649USDIV8

Page 5

CONCLUSION

Applicants submit that the claims are now in condition for allowance. A Notice of Allowance of Claim 19 is earnestly solicited.

Respectfully submitted,



MARY ANN CAPRIA

ATTORNEY FOR APPLICANTS

Registration No.: 32,659

Telephone: (302) 992-3749

Facsimile: (302) 892-7949

Dated: 5/16/2005